
WELSH STATUTORY INSTRUMENTS

2016 No. 6

The Education Workforce Council (Main Functions) (Wales) (Amendment) Regulations 2016

Amendment

2. The Education Workforce Council (Main Functions) (Wales) Regulations 2015⁽¹⁾ are amended as follows—

- (a) in regulation 3(1)—
 - (i) in the appropriate place in alphabetical order, insert—

““nominated teacher” (“*athro neu athrawes enwebedig*”) means a person who is mentioned in paragraphs 3, 4, 5, 6 or 7 of Schedule 3 to these Regulations and who is nominated by the head teacher where the head teacher considers that appropriate in the circumstances”; and
 - (ii) in the definition of “serious professional incompetence” for “level of incompetence” substitute “level of competence”;
- (b) in regulation 16 after “by virtue of”, in the first place it occurs, insert “regulation 18A or”;
- (c) in regulation 18 after “(register maintained by the Council)” insert “in the category of school teacher”;
- (d) after Part 3 insert—

“PART 3A

Requirement to be registered: school learning support workers

School learning support workers

18A.—(1) A school learning support worker is a person who provides the services specified in regulation 17 (“the services”) or supports the provision of the services by a school teacher.

(2) A school learning support worker must not provide the services or support the provision of the services by a school teacher unless—

- (a) they are registered under section 9 of the 2014 Act (register maintained by the Council) in the category of school learning support worker;
- (b) they provide the services with direct interaction with learners to assist or support the work of school teachers or nominated teachers in the school;
- (c) they provide the services under the direction and supervision of school teachers or nominated teachers in accordance with arrangements made by the head teacher of the school; and

- (d) the head teacher is satisfied that they have the skills, expertise and experience to provide the services.
- (3) In determining whether a person has the skills, expertise and experience required to provide the services specified in paragraph (2)(d) in a school, head teachers must have regard to—
 - (a) the standards for higher-level teaching assistants, or guidance concerning the qualifications for school learning support workers that may be published from time to time by the Welsh Ministers; and
 - (b) guidance as to the contractual matters relating to school learning support workers as may be published from time to time by any local authority or other employer.”;
- (e) after Part 4 insert—

“Part 4A

Requirement to be registered: further education learning support workers

Requirement to be registered: further education learning support workers

19A. A person must not provide the services set out in section 16(2) of the 2014 Act unless they are registered under section 9 of the 2014 Act (register maintained by the Council) in the category of further education learning support worker.”; and

- (f) in Schedule 3 omit paragraph 8.